

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2011

Robert P. Young, Jr.,
Chief Justice

143663

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

JOSEPH PALETTA and SHELLY PALETTA,
Plaintiffs-Appellees,

v

SC: 143663
COA: 298238
Oakland CC: 2008-093717-NO

OAKLAND COUNTY ROAD COMMISSION,
Defendant-Appellant,
and

SUPREME SWEEPING SERVICES, INC.,
Defendant.

On order of the Court, the application for leave to appeal the July 21, 2011 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the accumulation of gravel, natural or otherwise, on the paved roadway is actionable under the highway exception to the governmental tort liability act, MCL 691.1402, and, in particular, whether such an accumulation of gravel implicates the defendant-appellant's duty to maintain the highway in "reasonable repair" within the meaning of MCL 691.1402(1). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 23, 2011

Corbin R. Davis

Clerk